

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

OLLEN G. COLBERT

Plaintiff

v.

CINCINNATI GAS & ELECTRIC and
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL 1347

Defendants.

CASE NO. 1:00-CV-00909-SJD-TSH

JUDGE: J. Dlott
Magistrate Judge Hogan

DEFENDANT, CINCINNATI GAS &
ELECTRIC'S MOTION TO STRIKE
PLAINTIFF'S AFFIDAVIT AND THE
AFFIDAVITS OF DUDLEY QUARLES
AND LEON WATERS

Defendant, The Cincinnati Gas & Electric Company, ("CG&E), by its counsel,
respectfully requests that the Affidavits of Ollen Colbert, Leon Waters, and Dudley Quarles,
filed by plaintiff in response to the defendants' Motions for Summary Judgment be stricken and
in support thereof, herewith files its brief.

WHEREFORE, defendant CG&E requests that its motion be granted and that the
affidavits filed by plaintiff in response to the defendants' motions for summary judgment be
stricken either in their entirety or as to those parts that are not admissible under the law.

Respectfully submitted,

CINERGY CORP.

By: s/Ariane Schallwig Johnson
Ariane Schallwig Johnson, #2104-45
One of the Attorneys for Cincinnati Gas &
Electric

CERTIFICATE OF SERVICE

I hereby certify that on **April 7, 2005**, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Rose Ann Fleming
Rose Ann Fleming Professional Legal Corp.
3855 Ledgewood Drive, Suite 13
Cincinnati, OH 45207
fleming@xavier.edu

Jerry A. Spicer
Snyder, Rakay & Spicer
11 West Monument Building, Suite 307
Dayton, OH 45402
snyrakspi@aol.com

s/Ariane Schallwig Johnson
Ariane Johnson

Ariane Schallwig Johnson
LEGAL DEPARTMENT
CINERGY SERVICES, INC.
1000 E. Main Street
Plainfield, IN 46168
Telephone: 317/838-1285
Facsimile: 317/838-1842
ariane.johnson@cinergy.com